THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO.6100 OF 2007

Dated: 29-03-2007

Between

S.G. Reddy

…… Petitioner

And

The Depot Manager,
A.P.S.R.T.C.,
Mehdipatnam Depot,
Hyderabad

…… Respondent

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO.6100 OF 2007

O R D E R:

This writ petition is filed under Article 226 of the Constitution of India, seeking to declare the action of the second respondent in suspending the petitioner vide proceedings No.01/114(1)/2007-MP, dated 17.03.2007 as illegal, arbitrary, and consequently set aside the same and direct the respondents to continue the petitioner into service.

The facts of the case in brief are that the petitioner was appointed as Driver in the respondent-Corporation in the year 1986 and his services were also regularized. While he was working as such, the respondent-Depot Manager, issued charge sheet-cum-suspension order, dated 17.03.2007, on the allegation that on 28.02.2007, he misbehaved with a passenger by name P.C. Rao. The charges levelled against the petitioner read as follows:

1) *For having mis-behaved with a passenger by name P.C.Rao by using abusive and un-parliamentary language while on duty which constitutes mis-conduct in terms of Regulation No.28 of APSRTC Employees (Conduct) Regulations, 1963.*
2) *For having left from duty by 22.00 hours while*

performing 19.00 hours to 03.00 hours parking duty without any intimation to shift supervisor which constitutes misconduct under Regulation No.viii and xxvii of APSRTC Employees (Conduct) Regulations, 1963.

3) *For having absented for your duties unauthorisedly on 03.03.2007 without any intimation or prior sanction of leave which constitutes misconduct under Regulation No.xxvii of APSRTC Employees (Conduct) Regulations, 1963.*

The learned counsel for the petitioner submits that the respondent framed the charges based on a false complaint lodged by a passenger, and that too without giving him any notice to explain.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-APSRTC.

The impugned charge sheet-cum-suspension order dated 17.03.2007 calls upon the petitioner to submit his explanation to the charges levelled against him, within a period of seven days from the date of receipt of the charge sheet, failing which, it will be assumed that he has no explanation to offer and further action will be taken against him as per the rules in force. Admittedly, the petitioner did not submit his explanation and rushed to this Court. Since the petitioner did not submit his explanation to the charges levelled against him, I deem it appropriate to dispose of the writ petition with the following directions:

The petitioner is directed to submit his explanation to the charges levelled against him in charge sheet-cum-suspension order

dated 17.03.2007, issued by the second respondent, within a period of one week from the date of receipt of a copy of this order, and on submission of the explanation, within a period of three weeks therefrom, the respondents are directed to consider the same and pass appropriate orders.

The writ petition is accordingly disposed of. No order as to costs.

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N.V.RAMANA J.,

Dt.29.03.2007
tjs